

REMARKS

Applicant is in receipt of the Office Action mailed August 2, 2004. Claims 49-96 remain pending in the application.

Section 102(b) Rejections

The Office Action rejected claims 49-96 under 35 U.S.C. § 102(b) as being anticipated by Beyers II, et al. (U.S. Pat. No. 5,235,619, hereinafter “Beyers”). Applicant respectfully traverses the rejections in light of the following remarks.

Beyers discloses a method of transferring a data message from a remote unit (e.g., a cable television set-top box) to a central location (e.g., a headend). The same message may be sent a plurality of times using a plurality of data channels (e.g., frequencies), wherein each of the data channels is used at a randomly generated time. The transmission technique disclosed by Beyers may be used for calibration (e.g., minimizing potential RF interference) of the RF data return path from the remote unit to the headend.

Regarding independent claim 49, Beyers does not teach or suggest the limitations “transmitting from a server a plurality of notifications for determining a sequence of transmission of said continuous stream of content via a plurality of communication paths; obtaining by a client said plurality of notifications.” Although the calibration transmissions in Beyers may be sent using a plurality of frequencies, they are sent from a client (e.g., a cable television set-top box) to a server (e.g., a headend) and not from a server to a client. Beyers does disclose sending a data return request from the headend to the remote unit (e.g., col. 13, lines 30-34; col. 21, lines 3-7), but Beyers teaches that this is a single message and not “a plurality of notifications” to the client.

Additionally, Beyers does not teach or suggest the limitation “transmitting from said server said continuous stream of said content via said plurality of communication paths according to said sequence of transmission.” The content sent over a plurality of

frequencies in Beyers is not a continuous stream; instead, it is a single calibration message which is repeatedly sent from the remote unit at random times in a broken, discontinuous manner. Furthermore, as discussed above, this content is not sent from a server to a client in Beyers. Beyers does not teach or disclose the transmission of data from the headend to the remote unit using “a plurality of communication paths.”

Also regarding claim 49, Beyers does not teach or suggest the limitation “obtaining by said client said continuous stream of said content by automatically switching communication paths in accordance with said sequence of transmission of said content based on said plurality of obtained notifications.” Although the remote unit in Beyers may switch frequencies, this switching is done for the purpose of sending calibration data and not for obtaining a continuous stream of content.

Applicant therefore submits that Beyers fails to anticipate Applicant’s claim 49. Furthermore, Beyers fails to teach or suggest numerous limitations of Applicant’s other claims. Regarding claim 51, for example, Beyers does not teach or suggest the limitation “wherein said sequence of transmission of said content determines which communication paths contain which parts of said continuous stream of said content at a given time.” Beyers does not teach or suggest that the transmitted data may be broken into parts, wherein the parts of the continuous stream are transmitted over various communication paths.

Regarding claim 55, Beyers does not teach or suggest the limitation “wherein said continuous stream of said content comprises an individual television program.” In Beyers, the content sent over multiple frequencies is a calibration message and not a continuous stream comprising an individual television program. For similar reasons, Applicant submits that Beyers does not teach or suggest claims 60, 68, or 91.

Regarding independent claim 58, Beyers does not teach or suggest the limitation “transmitting an encrypted notification of a communication path on which a part of said content will be transmitted at a given time.” Beyers discloses (e.g., at col. 20, lines 66-

68; col. 40, lines 58-63; and col. 42, lines 2-25) a well-known method for encoding data for transmission via RF signals. However, Beyers does not teach or suggest that the data is “encrypted.”

Regarding independent claim 66, Beyers does not teach or suggest the limitation “transmitting a notification of a communication path on which a part of said content will be transmitted at a given time from a server to a client.” As discussed above, Beyers does not teach or suggest that the content may be broken into parts and transmitted over various communication paths from a server to a client. Furthermore, Beyers does not teach or suggest the limitation “viewing said part of said content on said communication path via said client” and “viewing said another part of said content on said communication path via said client.” Beyers does not disclose the transmission of viewable content over a plurality of communication paths.

Regarding independent claim 73, Beyers does not teach or suggest the limitation “transmitting to a subset of a plurality of clients in a secure manner mapping information for a content transmitted over said plurality of communication paths to said plurality of clients.” As discussed above, Beyers does not teach or suggest sending content over a plurality of communication paths to a plurality of clients. Furthermore, Beyers does not teach or suggest the limitation “signaling said subset of said plurality of clients with modified mapping information on a repeated basis during a course of a viewed presentation.” As discussed above, Beyers does not disclose the transmission of viewable content over a plurality of communication paths.

Regarding independent claim 83, Beyers does not teach or suggest the limitation “wherein said plurality of parts of said content are transmitted from said server over said plurality of communication paths according to said sequence of transmission.” As discussed above, Beyers does not teach or suggest sending content from a server over a plurality of communication paths.

Regarding independent claim 90, Beyers does not teach or suggest the limitation “a plurality of encrypted notifications, each of said plurality of encrypted notifications notifying a client of a communication path on which a corresponding part of said content will be transmitted at a given time.” As discussed above, Beyers does not teach or suggest the encryption of data.

Regarding independent claim 96, Beyers does not teach or suggest the limitation “said server transmitting a notification to said client of a communication path of said plurality of communication paths on which a part of said program will be transmitted at a given time and transmitting another notification to said client of another communication path of said plurality of communication paths on which another part of said program will be transmitted at another given time.” As discussed above, Beyers does not teach or suggest sending data from a server to a client over a plurality of communication paths.

For at least the reasons discussed above, Applicant submits that independent claims 49, 58, 66, 73, 83, 90, and 96 are in condition for allowance. Applicant’s remaining claims provide additional limitations to the claim limitations discussed above. Therefore, for at least the reasons discussed above, Applicant submits that Beyers does not teach or suggest Applicant’s claimed invention as recited in claims 49-96. Applicant respectfully requests withdrawal of the Section 102(b) rejections of claims 49-96.

CONCLUSION

Applicant asserts that the pending claims are in condition for allowance. Accordingly, the present response is believed to be a complete response to the issues raised in the Office Action and full reconsideration and favorable action is respectfully requested. If the Examiner has any questions, comments, or suggestions, the undersigned attorney earnestly requests a telephone conference. If any petitions for extensions of time are required or fees are due, said petitions for extensions of time are hereby requested and the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C., Deposit Account No. 50-1505/6000-04802/BNK.

Also enclosed herewith are the following items:

- Return Receipt Postcard

Respectfully submitted,



B. Noël Kivlin
Attorney for Applicant
Reg. No. 33,929

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
Fax: (512) 853-8801
Date: October 4, 2004